

**ASSEMBLY CONCURRENT
RESOLUTION No. 64**

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman WILLIAM F. MOEN
District 5 (Camden and Gloucester)

SYNOPSIS

Amends Constitution to require State to make payments in lieu of taxes to municipalities for certain preserved open space.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **A CONCURRENT RESOLUTION** proposing to amend Article VIII,
2 Section I of the New Jersey Constitution by adding a new
3 paragraph.
4

5 **BE IT RESOLVED** *by the General Assembly of the State of New*
6 *Jersey (the Senate concurring)*
7

8 1. The following proposed amendment to the Constitution of
9 the State of New Jersey is agreed to:
10

11 **PROPOSED AMENDMENT**
12

13 Amend Article VIII, Section I, by adding a new paragraph 8 to
14 read as follows:

15 8. To compensate a municipality for the loss of property tax
16 revenue due to the acquisition and ownership by the State of lands
17 in fee simple for recreation and conservation purposes, or due to the
18 acquisition and ownership of such property by qualifying tax
19 exempt nonprofit organizations that become certified exempt from
20 property taxes pursuant to P.L.1974, c.167 (C.54:4-3.63 et seq.) or
21 similar laws, the State shall pay annually on October 1 to each
22 municipality in which lands are so acquired and owned, an amount
23 at least equal to the amount required pursuant to section 29 or 30, as
24 appropriate, of P.L.1999, c.152 (C.13:8C-29 and C.13:8C-30).
25

26 2. When this proposed amendment to the Constitution is finally
27 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
28 shall be submitted to the people at the next general election
29 occurring more than three months after the final agreement and
30 shall be published at least once in at least one newspaper of each
31 county designated by the President of the Senate, the Speaker of the
32 General Assembly and the Secretary of State, not less than three
33 months prior to the general election.
34

35 3. This proposed amendment to the Constitution shall be
36 submitted to the people at that election in the following manner and
37 form:

38 There shall be printed on each official ballot to be used at the
39 general election, the following:

40 a. In every municipality in which voting machines are not used,
41 a legend which shall immediately precede the question as follows:

42 If you favor the proposition printed below make a cross (X), plus
43 (+), or check (✓) in the square opposite the word "Yes." If you are
44 opposed thereto make a cross (X), plus (+) or check (✓) in the
45 square opposite the word "No."
46

 b. In every municipality the following question:

1

	YES	<p>CONSTITUTIONAL AMENDMENT TO REQUIRE THE STATE TO MAKE PAYMENTS TO MUNICIPALITIES FOR CERTAIN PRESERVED OPEN SPACE</p> <p>Do you approve amending the Constitution to require the State to make certain payments to municipalities? Those payments would be for open space owned by the State or certain nonprofit organizations.</p>
	NO	<p>INTERPRETIVE STATEMENT</p> <p>Currently, the Constitution does not require the State to pay property taxes or make other kinds of payments to municipalities for open space owned by the State or certain nonprofits. This amendment would require the State to make such payments. Open space includes lands protecting water supplies and lands prone to flooding. These payments would compensate municipalities for a loss of property tax revenue due to the ownership of open space within the municipality by the State or certain nonprofits. Such properties are not subject to property taxes.</p>

2

3

4

STATEMENT

5

6 This constitutional amendment would require the State to make
7 payments in lieu of taxes (PILOT) to municipalities for open space
8 acquired and owned in fee simple by the State or certain nonprofit
9 organizations.

10 The “Garden State Preservation Trust Act” (act), P.L.1999, c.152
11 (C.13:8C-1 et al.), established a sliding scale formula for PILOTS
12 by the State for open space acquired and owned in fee simple by the
13 State or nonprofit organizations. Initially, for such acquisitions
14 pursuant to the Garden State Preservation Trust Act, the act
15 provided a 13-year declining payment schedule similar to that used
16 in past Green Acres bond acts. Under that schedule, a municipality,
17 in the first year following acquisition of land, is to receive 100% of
18 the property taxes last assessed and paid by the taxpayer in the prior
19 year. This amount declines by approximately 8% per year in each
20 of the following 12 years. After the 13th year, and for open space
21 acquired prior to or after implementation of the Garden State
22 Preservation Trust Act using other funding sources and owned in
23 fee simple by the State or nonprofit organizations, PILOTS are to

1 be based upon the total amount of open space owned in fee simple
2 by the State or nonprofit organizations in the municipality, using a
3 sliding scale, as follows: \$2 per acre when the percentage of the
4 total acreage in a municipality that is owned in fee simple by the
5 State or nonprofit organizations for open space preservation
6 purposes is less than 20%; \$5 per acre for 20% to less than 40%
7 ownership; \$10 per acre for 40% to less than 60% ownership; and
8 \$20 per acre for 60% or more ownership.

9 Approval of this amendment by the voters would guarantee
10 PILOTS to municipalities based upon the amount of open space
11 acquired and owned in fee simple by the State or nonprofit
12 organizations within each municipality, at an amount at least equal
13 to the amount required pursuant to section 29 or 30, as appropriate,
14 of P.L.1999, c.152 (C.13:8C-29 and C.13:8C-30).